



Appeal Decision

Site visit made on 28 May 2025

by **C Mayes CMLI**

an Inspector appointed by the Secretary of State

Decision date: 3 July 2025

Appeal Ref: APP/R1038/W/25/3359414

Land to the north of Red House Farm, corner of Holestone Gate Road and Unnamed Road, Ashover, Derbyshire S45 0JT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr J Lomas against the decision of North East Derbyshire District Council.
 - The application Ref is 24/00206/FL.
 - The development proposed is an agricultural livestock shelter.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the appeal development on the character and appearance of the area.

Reasons

3. The appeal site is within open countryside. The landscape is defined by gently undulating hills and shallow valleys. Fields, predominantly in pastoral use, are mainly divided by traditional drystone walls. The landscape has an open character with extensive views punctuated by occasional shelterbelts and scattered clumps of trees, often located along ridges and on hilltops.
4. Settlement is sparse and generally limited to clusters of buildings, particularly farmsteads, nestled into sheltered locations within the landscape or alongside roads. Field barns are not a characteristic element of the landscape.
5. The proposal would be a timber livestock shelter proposed to be located at the highest corner of a broadly triangular field currently used predominantly for grazing livestock. The field is part of an agricultural holding, the principal buildings of which are located on the opposite side of Holestone Gate Road some distance from the appeal site.
6. The field rises from Holestone Gate Road toward an unnamed lane and public right of way that follows the highest boundary of the field. The unnamed lane is lined with mature trees that are a prominent skyline element in the landscape. There is an existing, metal-clad agricultural building within the lower corner of the field where Holestone Gate Road and the unnamed lane meet. This building is seen within the context of the buildings of the adjacent farmstead, Redhouse Farm, that is located to the other side of the lane.

7. My attention has been drawn to the site of the proposed building being previously occupied by shipping containers. Photographs of the site from Holestone Gate Road have been submitted which show the former containers in the landscape. It is suggested that this illustrates that the proposed development would have minimal impact on the character and appearance of the area given the distance between the road and the appeal site. However, in my judgement, the proposed development would be highly visible not only from Holestone Gate Road but also from the adjacent public right of way and within parts of the wider landscape. Its position and appearance on this elevated site would be an incongruous feature that would also contrast with the walled boundary and tree-lined backdrop of the field. It would appear as a harmful addition to this open field, drawing the eye and adding piecemeal development within the landscape.
8. It follows that the harm resulting from the position of the development in this section of the field would not be sympathetic to local character, including the landscape setting, as required by the National Planning Policy Framework.
9. The appellant argues that the location of the proposed development would be more convenient than the alternatives suggested by the Council. However, Policy SS9 of the North East Derbyshire Local Plan, November 2021 (the Local Plan), requires development in the countryside to be, among other things, necessary for the efficient or viable operation of an agricultural holding. I have not been provided with evidence that the operation of the proposed development is dependent on its proposed location. Consequently, I do not consider, in respect of this matter, that greater convenience of use provides sufficient justification to outweigh the landscape harm I have identified from the proposal.
10. The appellant suggests that the alternative location would require the construction of a new farm track and that such an access would not be required for the proposed development. I have not been provided with details of access arrangements to either the proposed development or those required for an alternative site. Therefore, I cannot draw a comparison between the two and so this matter weighs neither in favour nor against the proposed development.
11. Similarly, I note the appellant's comments with regard to the need to remove trees to accommodate a building on the alternative site and the comparative levels of exposure resulting in wind damage to buildings. However, I have not been provided with sufficient evidence in favour or against either matter to draw a comparison that would, in respect of these matters, affect my decision.
12. Having regard to the particular effects of the proposal and the context to the appeal site I conclude that the development would result in a harmful effect on the character and appearance of the area. Hence, it would conflict with Policies SS9, SDC12 and SDC3 of the Local Plan. Among other things, these seek to ensure that development in the countryside would not cause harm to the character, quality and distinctiveness of the landscape, is necessary for the viable operation of an agricultural holding and makes a positive contribution to the quality of the local environment. Furthermore, the proposal would conflict with Policies AP2, AP11 and AP13 of the Ashover Parish Neighbourhood Plan, February 2018, which among other things, do not support development that would be intrusive in the countryside and fail to respect local landscape character.

Conclusion

13. The development conflicts with the development plan taken as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above I conclude the appeal should be dismissed.

C Mayes

INSPECTOR